

Application No. 10/643,487
Amendment dated September 29, 2006
After Final Office Action of June 5, 2006

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Docket No.: 281_382NP

REMARKS

A Request for a One (1) Month Extension of Time pursuant to 37 CFR §1.136(a) and (b) is attached hereto.

The above-captioned patent application has been carefully reviewed in light of the final Office Action to which this Amendment is responsive. Claims 90, 96, 101, 102, 104 and 105 have been amended to clarify and point out that which is regarded as distinct. Claim 91 has been canceled. To that end, no new matter has been added.

Claims 90, 91 and 94-106 are pending. Applicant herein acknowledges the withdrawal of Claims 92, 93 along with previously non-elected Claims 107-109 by the Examiner. Applicant herein reserves the right to file divisional applications based on the preceding Restriction Requirement.

Claims 90, 91 and 94-106 have been rejected based upon prior art. More particularly, Claims 90, 91, 94-101 and 103-106 have been rejected under 35 USC §102(e) based on Hanna (U.S. Patent No. 6,450,966) and Claims 95, 96, 101 and 102 have been rejected under 35 USC §103(a) as being unpatentable based on the combination of Hanna and Halpern et al. (U.S. Patent No. 5,687,717). In addition, Claims 90, 91 and 96 have been rejected under 35 USC §112, 2nd paragraph, and Claim 91 has been objected to based upon 37 CFR §1.75(c). Applicant herein respectfully requests reconsideration based on the amended claims as well as the following discussion.

Applicant gratefully acknowledges the telephone interview extended by Examiner Michael Astorino on September 28, 2006, to Applicant's representative, Peter J. Bilinski. The subject matter of the interview is included in the text of this correspondence.

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Turning first to the Section 102 rejection based on Hanna, Applicant first notes that the independent Claims 90 and 104 have been reviewed and amended based on Examiner's belief that there was a lack of sufficient structural language by the Examiner in an effort to positively recite the salient features of the present workstation. To that end, the term "for" has been replaced in each of the claims by "to". The term "configured for" has also been deleted in favor of positive structural language.

As such, It is believed that the interconnection of elements of the claimed device in each instance is now positively recited.

Turning to the merits of the Section 102 rejection itself, Hanna, as previously noted, describes an apparatus that is used to identify the presence of a neonatal, adult or pediatric sized cuff. The need to identify the proper cuff is to insure a proper inflation pressure. The reference therefore utilizes a gas flow restrictor that is employed in each various sized cuff assembly to permit a pressure measurement to be made during the deflation thereof. A pair of pressure transducers included in the assembly permit a ratio of pressure measurements in order to identify the type of cuff that is actually being used prior to inflation.

The present invention is not concerned necessarily about the cuff that is used, but rather the "status" of the patient; that is, whether the patient is hypotensive, hypertensive, or "normal" in terms of their blood pressure. By understanding a patient's history prior to inflating the cuff, a proper inflation pressure can be applied automatically, thereby improving the accuracy of measurement as well as the time taken to obtain an accurate reading. If a patient were, for example, hypertensive and having historical blood pressure readings of greater than 150/100 a standard inflation pressure (140mm Hg) could be insufficient requiring re-inflation of the cuff to obtain a suitable reading. By understanding the patient's prior history in this regard, the inflation pressure can be controlled such that the above-noted patient by way of example can be accurately and efficiently examined.

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Applicant has herein clarified independent Claim 90 so as to specify that the "status" of the patient referred to therein refers to trended (historical) blood pressure data that is obtained from a patient prior to inflating the cuff. As noted by the Examiner, see page 7 of the Office Action, "the Hanna reference does not automatically control inflation and deflation based on if the patient is hypotensive or hypertensive". Since Claim 90, as amended, now clearly recites those patentably distinct features that are not found in the cited Hanna reference, there can be no anticipation under the Statute.

Claim 91 has been canceled. Claims 94-101 and 103 are believed to be allowable for the same reasons since each of these claims each depend from Claim 90. Reconsideration is therefore respectfully requested.

Claim 104 has also been amended to more clearly proper structure with regard to the claimed workstation. Hanna fails to include any features that provide an alert based upon stored physiologic data values relating to a patient. The Examiner has referred to column 8, lines 8-21 of this reference, but it is not understood how these portions of the cited art include or suggest all of the recited features of Claim 104. The aforementioned portion of the reference describes a plurality of blood pressure readings that are taken at a first pressure sensor that are received by a preprogrammed processor to compute a mean measured value. This value can, according to the reference, be compared to a predetermined acceptable value and if the comparison test is not successful, an error message (e.g., an alert) is provided to the user.

The pressure readings taken are not physiologic data readings, but are pressure values used as part of a cuff identification procedure, the readings being taken prior to an actual blood pressure measurement. See column 7, lines 50-52 of Hanna. The error message is merely provided in order to insure that the cuff has adequately deflated prior to initiation of an actual blood pressure measurement.

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Therefore, no trend analysis of any stored physiologic data (such as actual blood pressure data) is actually performed in conjunction with actual readings to sound an alert, depending on the trend data of the patient.

Claims 105 and 106 are believed allowable for the same reasons, since these claims depend from Claim 104. Reconsideration is respectfully requested.

With regard to the Section 112 rejections, Applicant has amended each of Claims 90 and 96 in an effort to cure the indefinite issues that have been raised by the Examiner. To that end, "status" in Claim 90 has been deleted in favor of "stored blood pressure data". Claim 96 has been amended to define those medical device that may not be structurally supported by the assemblage of the workstation in addition to those that are supported thereby. The computing device of the workstation receives data from the at least one additional and unstructurally supported medical device. Claims 101 and 102 have been amended to comport with Claim 101. Claim 91 has been canceled, rendering the remainder of the Section 112 rejection, as well as the rejection under 37 CFR §1.75(c) moot.

In summary and in view of the above amendment, Applicant believes the above-captioned patent application is now in condition for allowance and an expedited Notice of Allowance is earnestly solicited.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number below.


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Applicant herein authorizes that the Office please charge our Deposit Account No. 50-0289, under Order No. 281_382NP from which the undersigned is authorized to draw for all fees relating to the filing of this response, including the Request for Extension of Time and Request for Continued Examination.

Dated: September 29, 2006

Respectfully submitted,

By 
Peter J. Bilinski
Registration No.: 35,067
WALL MARJAMA & BILINSKI LLP
101 South Salina Street
Suite 400
Syracuse, New York 13202
(315) 425-9000
Attorney for Applicant
Customer No. 20874